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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER
SALTARELLI, DOMINIC D

ART UNIT	PAPER NUMBER
2623	

MAIL DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/939,789	UEDA, EIJI	
	Examiner	Art Unit	
	Dominic D. Saltarelli	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *15 March 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-3,5-7 and 11-13* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-3,5-7 and 11-13* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-3, 5-7, and 10-13 have been considered but are moot in view of the new grounds of rejection.

Claim Objections

2. Claim 2 is objected to because of the following informalities: On line 5, "one and more" should be changed to --one or more--. Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 5, 7, and 11-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Hidary et al. (5,774,664) [Hidary].

Regarding claims 1, 5, 7, 11, and 13, Hidary discloses a receiving device receiving broadcasting programs comprising:

a broadcasting receiving unit operable to receive broadcasting data in which a plurality of content deciding data positions of contents placed on a network (URLs) is multiplexed with scenario data (time stamps) indicating the order of selecting one content deciding data after another from the plurality of

content deciding data, and a broadcasting program associated with said contents (col. 4, lines 26-56);

a demultiplexing unit operable to demultiplex the plurality of content deciding data, the scenario data, and the broadcasting program from the broadcasting data received by the broadcasting receiving unit (col. 5, lines 7-33);

a data management unit operable to select one content deciding data after another sequentially from the plurality of content deciding data demultiplexed by the demultiplexing unit, in which the sequential selection is performed in the order indicated by the scenario data demultiplexed by the demultiplexing unit (col. 7 line 66 – col. 8 line 17); and

a data communication unit operable to access one content after another sequentially based on the content deciding data sequentially selected by the data management unit (col. 7, lines 8-30).

Regarding claim 12, Hidary discloses a data broadcasting receiving system as described in claim 1, wherein the URL decoder and the local PC are separate devices (the URL decoder being the claimed 'first receiving device' and the local PC being the 'second receiving device', col. 5, lines 34-46).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hidary in view of Palmer et al. (5,905,865) [Palmer].

Regarding claim 2, Hidary discloses the receiving device of claim 1, wherein the demultiplexing unit demultiplexes the plurality of content deciding data respectively from the broadcasting data when there is the plurality of the content deciding data in the broadcasting data (col. 5, lines 21-33) and the data communication unit accesses the contents selected (col. 8, lines 18-44), but fails to disclose the data management unit is operable to select one or more content deciding data from the plurality of content deciding data demultiplexed by the demultiplexing unit according to a specific condition.

In an analogous art, Palmer discloses filtering URLs to display only those that meet specific profile information to allow a local receiver to perform the task of targeting supplement content to users (col. 7, lines 27-45).

It would have been obvious at the time to a person of ordinary skill in the art to modify the device of Hidary to include selecting content deciding data (URLs) according to a specific condition, as taught by Palmer, for the benefit of allowing a local receiver to perform the task of targeting supplement content to users.

7. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hidary and Palmer as applied to claim 2 above, and further in view of Woo et al. (5,519,780).

Regarding claim 3, Hidary and Palmer disclose the device of claim 2, wherein the data communication unit accesses the contents selected by the data management unit (Hidary col. 8, lines 18-44), but fail to disclose the data management unit is configured for detecting an audio language to be outputted by the receiving device, and selecting the content deciding data corresponding to the audio language outputted by the receiving device from the plurality of content deciding data demultiplexed by the demultiplexing unit.

Examiner takes official notice that detection of an audio language for programming is notoriously well known in the art, such as those which provide SAP type services (Supplemental Audio Programming) to provide audio in a language that is understood by the viewer, as the languages of audio programming is an important factor used when building user profiles and associating supplemental content with a program.

It would have been obvious at the time to a person of ordinary skill in the art to modify the device of Hidary and Palmer to include detection of an audio language to be outputted by the receiving device, for the benefit of having said information available for the building of profiles and associating supplement content with programming (for example, Palmer uses specific profile information to selectively display URL retrieved information to users).

Hidary and Palmer fail to disclose selecting the content deciding data corresponding to the audio language.

In an analogous art, Woo discloses filtering supplemental information by matching the information with a particular language, allowing information providers to target particular consumers using language as targeting criteria (col. 11 line 66 – col. 12 line 20).

It would have been obvious at the time to a person of ordinary skill in the art to modify the device disclosed by Hidary and Palmer to include selecting the content deciding data corresponding to the audio language, as taught by Woo, for the benefit of allowing information providers to target particular consumers using language as targeting criteria.

8. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hidary.

Regarding claim 6, Hidary discloses the device of claim 1, but fails to disclose the content deciding data deciding positions of contents placed on the network is a group of keywords.

Examiner takes official notice that system which associate supplemental content with broadcast programming, in addition to associating URLs (as taught by Hidary), also utilize keywords found in closed captioning to perform searches over a network (often the Internet) to identify related supplemental content. Using automated text parsing techniques, a system is programmed to identify important key terms in closed captioning (such as identifying words like "race" or

"whale" from terms such as "is" or "the"), and these key terms are then used to perform a text search much the same as a user would manually perform a text search to identify related content.

It would have been obvious at the time to a person of ordinary skill in the art to modify the device of Hidary to include the content deciding data deciding positions of contents placed on the network is a group of keywords, such as keywords found in closed captioning, allowing a more dynamic search for content related to a viewed program.

Conclusion

9. Applicant's amendment necessitated the new grounds of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dominic D. Saltarelli whose telephone number is (571) 272-7302. The examiner can normally be reached on Monday - Friday 9:00am - 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ANDREW Y. KOENIG
PRIMARY PATENT EXAMINER

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